

uniform increments proceeding towards the barrel ends." (The amendments reflect earlier references in the disclosure at para [0053]).

As mentioned earlier in this Response, Claim 70 refers to a bat wherein the thickness of the total barrel wall is at least 8 1/3 % greater in the barrel mid-section than in the two lateral regions. cf... applicant's prior submissions of December 22, 2005. This claim has been included for purposes of possible appeal and will be withdrawn without prejudice to a searching it subsequently if the examiner is otherwise willing to allow the application.

Lastly, Claim 71 stipulates that the barrel wall of the bat of Claim 53 consists of polymer composite material, thus adding a limitation which is already part of Claims 37, 38 and 39.

Conclusion

On this basis, it is believed that a clear distinction has been shown between the cited reference and the invention of the present application, as defined by the claims for which protection is presently being sought.

In view of the features and limitations of the claims as amended, it is submitted that the applicant is seeking coverage which is both novel and unobvious, providing an unexpected result over the cited references and over the prior art generally. Accordingly, reconsideration and a favorable ruling which will allow this application to advance to Allowance are therefore requested.

Unless the examiner is prepared to allow the application as now amended, the applicant would like to have an opportunity for an interview and asks that the examiner to contact the undersigned attorney to make appropriate arrangements.

Respectfully submitted,

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per

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